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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

Debtor.

Case No. BK-S-06-10725-LBR

Chapter 11

**Declaration of Marilyn Schoenike in
Support of Motion to Limit Notices
Mailed to All Creditors**

Hearing Date: July 26, 2011
Hearing Time: 1:30 p.m.

I Marilyn Schoenike , hereby declare under penalty of perjury that:

I am a Certified Legal Assistant with Lewis and Roca LLP, (“Lewis and Roca”).

I submit this declaration on behalf of the Motion to Limit Notices Mailed to All Creditors, (the “Motion”) [DE 8403] filed by the USACM Liquidating Trust (the “USACM Trust”), as successor to USA Commercial Mortgage Company (“USACM”).

Lewis and Roca represents the USACM Liquidating Trust (“USACM Trust”). As counsel for the USACM Trust, we have filed numerous objections to proofs of claim and notices of hearing, various motions, and stipulations. I have assisted Lewis and Roca in the filing and service of these documents.

1 I make the following declaration based upon my personal knowledge, and upon the
2 records of the Debtors and the USACM Trust described in this declaration.

3 Upon notification of a new address of a creditor, I forward that information to BMC
4 Noticing Services (the appointed claims agent), Development Specialists, Inc., Sierra
5 Consulting and update the information maintained by Lewis and Roca. Notice as
6 appropriate is provided to the most current address available to Lewis and Roca.

7 Recently, the BNC Noticing Service, ("BNC") mailed out nine Orders Sustaining
8 the Omnibus Objections to Claims (the "Orders"), to the master mailing list, a total
9 mailing of 43,524 notices. Counsel for the USACM Trust had previously noticed these
10 Orders to the parties listed on Exhibit A to the Orders.

11 I have received and responded to a large number of telephone calls regarding the
12 receipt of the Orders. The creditors receiving the Orders were confused since the Order
13 did not pertain to them, and also many commented on the waste of money in mailing of
14 the Orders. It is not only an expense to the estate, but a time consuming task to respond to
15 each of these calls.

16 During the last twelve months, BNC Noticing Service mailed out twenty four
17 notices to creditors. It does not appear that BNC is using the most current information on
18 file with BMC Group, Inc., the claims agent.. The notices consisted of: Notice of
19 Transcript of Hearing; Notice of Stipulation and Order to Continue Hearing; Notice of
20 Request for Removal from Master Mailing List and ECF Filing; Notice of Entry of Order
21 Sustaining Objection to Proofs of Claim. (collectively "Notices"). The majority of the
22 Notices were mailed to approximately 5,000 creditors each time, at a minimum expense to
23 the estate of \$44,000.00.

1 I make this declaration under penalty of perjury of the laws of the United States of
2 America on May 31, 2011.

3 By /s/ Marilyn Schoenike
4 Marilyn Schoenike
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